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Attorneys for Defendant Michael Lerma

United States District Court
For The Central District of California

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|---------------------------|---|------------------------------------|
| United States of America, |) | Case No 18 CR 172-GW |
| Plaintiff, |) | |
| v. |) | EX PARTE APPLICATION FOR |
| Michael Lerma, |) | ORDER RELEASING OR |
| Defendant. |) | TRANSPORTING DEFENDANT FOR |
| |) | ONE DAY TO ATTEND THE |
| |) | FUNERAL OF HIS MOTHER; |
| |) | DECLARATION OF COUNSEL; |
| |) | MEMORANDUM OF POINTS AND |
| |) | AUTHORITIES; PROPOSED ORDER |

Defendant Michael Lerma, by and through counsel, Marri Derby and Joel Furman, hereby applies exparte to this Court for an order to temporarily release or transport Mr. Lerma for one day so he may attend the funeral services for his mother, Rosie Lerma, who passed away from colon cancer on July 1, 2025. The government opposes this application.

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2 This application is based upon the attached Memorandum of Points and
3 Authorities, the accompanying Declaration of Counsel, all files and records in this case,
4 and any other evidence and argument that may be presented to the Court.
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7 Dated: July 8, 2025

Respectfully Submitted,

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10 /s/Marri Derby

11 Marri Derby
12 Joel Furman
13 Attorneys for Michael Lerma
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MEMORANDUM OF POINTS AND AUTHORITIES

1. Introduction

Mr. Lerma has been in custody since the early 1980's. His mother, Rosie R. Lerma, would visit him when he was in State Prison. Once he was detained at the Metropolitan Detention Center, in Los Angeles, she was unable to visit (her health had declined and the distance was too far from Sacramento where she lived). Mr. Lerma was only able to communicate with his mother by phone and letters. Mrs. Lerma died recently, July 1st, of colon cancer.

Mr. Lerma's family is large. Mrs. Lerma had 7 children, 29 grandchildren, and 69 great grandchildren. In order to accommodate the large family, the funeral will be held at the American Legion Hall in Rio Linda, CA, on July 27, 2025, at 12:00 to 4:00 pm. "It would be a dream come true to have Mike there", according to his sister Virginia. It would be incredibly meaningful to Mr. Lerma to not only see his family but to be able to hug his family members. He was extremely close to his mother and wants to pay his respects.

As this Court knows, Mr. Lerma was recently convicted of RICO murder. He is awaiting sentencing before this court.

2. Legal Standard

18 U.S.C. § 3622 (a)(2) allows for the temporary release of prisoners in the custody of the Federal Bureau of Prisons ("BOP") to, inter alia, "attend a funeral of a relative," if such release "appears to be consistent with the public interest and if there is reasonable cause to believe that a prisoner will honor the trust to be imposed in him, by authorizing him, under prescribed conditions..." 18 U.S.C. § 3622(a)(2).

Mr. Lerma is willing to submit to whatever conditions the court imposes. His family is willing to incur the costs of having him escorted by officers from the USMS. The public interest supports a temporary furlough for one day so that Mr. Lerma can be with family at this devastating time of loss. His mother was a "rock" for Mr. Lerma and "gave

1 [him] hope and unconditional love.” It is humane to allow him to attend his mother’s
2 funeral.

3 **Conclusion**

4 Mr. Lerma requests this court order the release or transport of Mr. Lerma for one
5 day, July 27, 2025, with whatever conditions the court deems appropriate, so he may
6 attend the funeral of his mother.

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8 Dated: July 8, 2025

Respectfully Submitted,

9
10 /s/ Marri Derby

11 Marri Derby

12 Joel Furman

13 Attorneys for Defendant Michael Lerma
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DECLARATION OF COUNSEL

I, Marri Derby, declare:

1. I am an attorney licensed to practice in California and before the Ninth Circuit and have been appointed pursuant to the Criminal Justice Act to represent Mr. Lerma.
2. On July 3rd, I spoke with Mr. Lerma. He informed me that his mother had passed away and that he was devastated. He informed me that she was a “rock” to him and the family and that “she gave me hope and unconditional love.” He asked that I attempt to get him released for the day so he can attend her funeral. Mr. Lerma informed me that he would follow any rules this court would impose and that his family is willing to pay for the costs of transporting him and the costs of the USMS.
3. On July 7, 2025, I communicated with Mr. Lerma’s sister, Virginia Gutierrez. She testified at Mr. Lerma's trial. She informed me that their mother died of colon cancer on July 1st. She stated the family is large due to their mother having 7 children, 29 grandchildren and 69 great grandchildren. The funeral for their mother will be held on July 27, 2025, from 12:00-4:00 pm at the American Legion Hall in Rio Linda, California.
4. I was informed on July 7, 2025, by AUSA Kyle Kahan that the government opposes the release or transport of Mr. Lerma to attend the funeral.

I declare that the above is true and correct to the best of my recollection under the laws of the United States of America.

Executed on July 8, 2025, at Newport Beach, California.

/s/ Marri Derby
Marri Derby, Counsel for Michael Lerma